IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5954 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUSTAJI T TADIVALA

Versus

G S R T C

Appearance:

(MR HK RATHOD) for Petitioner No. 1

MR KN RAVAL for Respondent No. 1

MR HARDIK C RAWAL for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 04/07/2002

ORAL JUDGEMENT

At the time of hearing of this petition, it has been informed by the learned Advocate appearing for the respondent-Corporation that the petitioner has already expired on 15th February, 1990. Mr.Raval has also produced death certificate of the deceased employee,

which is kept on record. Mr.Mukesh Rathod, learned Advocate, was requested to enquire in the matter and to find out whether he will be appearing in the matter or not. Mr.Rathod has fairly submitted before the Court that even though enquiry is made, it was not possible to contact the heirs of the deceased. In that view of the matter, as on today, the petition cannot be decided on merits in view of the fact that the petitioner has already died and his heirs are not on record. Since the heirs are not on record, the matter cannot be proceeded with and in view of the aforesaid situation, this petition cannot be proceeded with, on merits, in view of what is stated above. Since the original petitioner has already died, the petition is accordingly disposed of as having become infructuous for want of legal heirs on record. However, in case any application is preferred by the heirs for setting aside this order as well as for bringing them on record, such application to be dealt with in accordance with law. Under the circumstances, the petition is disposed of as having become infructuous. Rule is discharged with no order as to costs.

4th July, 2002 (P.B. Majmudar, J.)

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(apj)